

REMARKS

Entry of the foregoing, reexamination and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.111 and in light of the remarks which follow, are respectfully requested.

By the present amendments, claim 7 and 8 have been canceled and the features in these claims have been added to claims 1, 24 and 26. Claim 1, 24 and 26 have also been amended to insert the terminology “wherein alignments of the discotic and rod-like liquid crystal molecular are fixed” which finds support in the specification on, for example, page 84, lines 9-10; page 85, lines 1-2 (Example 7); and page 87, lines 11-12 and 33-34 (Example 8). Claims 9-13 now depend from claim 1.

Claims 1-6 and 9-26 remain pending in this application. Claims 14-23 stand withdrawn from consideration on the merits.

Claims 1-7, 24 and 25 were rejected on the ground of obviousness-type double patenting as unpatentable over claims 1-11 of U.S. Patent No. 6,380,996 to Yokoyama et al. for the reasons provided on page 3 of the Office Action. Reconsideration of this rejection is requested in view of the above amendments and the following reasons.

Claims 1, 24 and 26 now specify that the optical compensatory sheet includes an optically anisotropic layer formed from discotic liquid crystal molecules, and a second optically anisotropic layer formed from rod-like liquid crystal molecules, wherein the alignments of the discotic and rod-like liquid crystal molecules are fixed. The claims in the Yokoyama et al. '996 patent do not disclose or suggest these features. Accordingly, the presently amended claims are directed to a patentably distinct invention from that set forth in the claims of the reference.

In view of the above, the obviousness-type double patenting rejection should be withdrawn. Such action is earnestly solicited.

Claims 1-8, 10-13 and 24-26 were rejected under 35 U.S.C. §102(e) as anticipated by Yokoyama et al. '996 for the reasons given on pages 3-7 of the Office Action.

Reconsideration of this rejection is requested in view of the above amendments and for at least the following reasons.

In Figures 1 and 2 of this reference, the liquid crystal cell 11-13/21-23 includes rod-like liquid crystal molecules and discotic liquid crystal molecules. The alignment of the rod-like liquid crystal molecules 12a-12d/22a-22d changes depending upon whether voltage applied to the cell is on or off. Thus, when voltage is not applied, the rod-like molecules are essentially in a vertical alignment and when voltage is applied, the rod-like molecules become aligned in a slanted direction. Note column 4, lines 31-38.

In contrast to Yokoyama et al. '996, in the optical compensatory sheets of the present invention, the alignments of discotic molecules and rod-like molecules are both fixed. There is no teaching in the cited reference of this feature. Accordingly, the §102(e) rejection based on U.S. Patent No. 6,380,996 to Yokoyama et al. should be withdrawn and such action is respectfully requested.

Claims 1-8, 10-13 and 24-26 were rejected under 35 U.S.C. §102(b) as anticipated by EP 928984 to Kawata et al. for the reasons set forth on pages 7-12 of the Office Action. Reconsideration of this rejection is requested in view of the aforementioned amendments and for at least the reasons which follow.

The pertinent disclosure in EP '984 is essentially the same as that in Yokoyama et al. '996. The liquid crystal cells described in EP '984 do not have a layer of rod-like liquid crystal molecules and a layer of discotic liquid crystal molecules where the alignment of both

types of molecules is fixed. In EP '984 as in Yokoyama et al. '996, the alignment of the rod-like molecules is not fixed but is flexible and depends on the applied voltage. Accordingly, the §102(b) rejection based on EP 918984 should be withdrawn and such action is respectfully requested.

Claim 9 was rejected under 35 U.S.C. §103(a) as obvious over Yokoyama et al. '996 in view of U.S. Patent No. 6,519,016 to Ichihashi et al. for the reasons given on pages 12-13 of the Office Action. Claim 9 was also rejected under 35 U.S.C. §103(a) as obvious over EP '984 in view of U.S. Patent No. 6,519,016 to Ichihashi et al. for reasons provided on page 13 of the Office Action. Reconsideration and withdrawal of these rejections are respectfully requested in view of the above amendments and for at least the following reasons.

U.S. Patent No. 6,519,016 is assigned on its face to Fuji Photo Film Co., Ltd. The present application is owned by Fuji Photo Film Co., Ltd. by virtue of an assignment recorded August 17, 2001, on Reel 012261, Frame 0238. According to 35 U.S.C. §103(c), subject matter which qualifies as prior art under 35 U.S.C. §103 via 35 U.S.C. §102(e) may be disqualified as prior art if the subject matter of the reference and the claimed invention "were, at the time the invention was made, owned by the same persons or subject to an obligation of assignment to the same person." Applicants unequivocally state that the present application and U.S. Patent No. 6,519,016 to Ishihashi et al. were, at the time the present invention was made, owned by, or subject to, an obligation of assignment to the same person, i.e. Fuji Photo Film Co., Ltd.

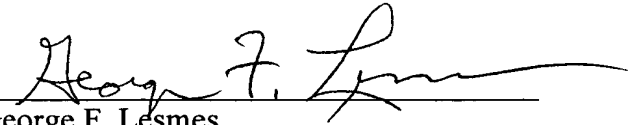
Ishihashi et al. '016 is disqualified as prior art under §103 for the above reasons. Accordingly, the §103(a) rejections of claim 9 should be withdrawn. Such action is earnestly requested.

If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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